



Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240

June 1, 1989

Dale M. Dorius
Attorney at Law
P. O. Box U
Brigham City, Utah 84302

RE: San Pitch Priorities

Dear Mr. Dorius:

I am writing this letter in response to your April 27th letter regarding the delivery of water to the Gunnison-Fayette Canal Co. from the Lower San Pitch River Distribution System.

We have had an unusual situation on the San Pitch River over the past two years. Two years ago, the river commissioner killed himself about half way through the distribution season and his records were lost. At the 1988 annual meeting, the water users voted to recommend a river commissioner who had been the Manti Irrigation Co. water master. The State Engineer's office did not feel entirely comfortable with his qualifications. Nevertheless, the water users strongly urged that he be appointed as the river commissioner and the State Engineer abided by the wishes of the water users. Unfortunately, he did not adequately fulfill the duties of a river commissioner; he did very little regulation on the river and kept no records. Therefore, no distribution records are available for 1987 and 1988. We feel this situation has now been corrected. A new commissioner has been selected who appears to be well qualified and dedicated to fulfilling the responsibilities of a river commissioner.

Even if a responsible commissioner had been functioning during the last two years, measurement of flows would have been difficult and probably would only be estimates at best. The flooding which occurred in the early part of the 1980s destroyed many of the measuring devices and control structures on the river. The responsibility for replacing those structures is not the State Engineer's but belongs to the water users. The water users have been reluctant to spend the money necessary to replace these structures so that work has not yet been done. However, an effort is being made by some of the distribution system directors, particularly Neil Nielson, to obtain financing from the Central Utah Water Conservancy District and the Sanpete County Water Conservancy District to install measuring devices and recording gages on the river. If the effort is successful, measuring devices will be installed on important stretches of the river and at each major diversion over the next year or two. The river commissioner will then have a much better ability to measure the flows and diversions and regulate distribution of the river accordingly.

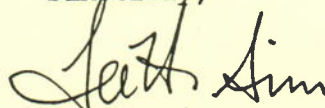
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Mr. Dale M. Dorius
June 1, 1989

We do not disagree with your conclusions regarding the relative priorities of the Gunnison-Fayette Irrigation Co. and the Highland Canal Co. on Twelve Mile Creek and the San Pitch River. However, your analysis has excluded the rights of the Mayfield Irrigation Co. and the original rights of the Gunnison Irrigation Co. on Twelve Mile Creek. According to the Cox Decree, Mayfield Irrigation Co. receives 42% of the flow of the creek. Gunnison Irrigation Co., Gunnison-Fayette Canal Co., and Highland Canal Co. have rights to the remaining 58% of the flow. Gunnison Irrigation Company (excluding the rights it acquired from Highland) has an earlier priority date than Gunnison-Fayette Canal Co. and that right must be filled in total before Gunnison-Fayette can divert. The flow of Twelve Mile Creek would have to be in excess of 295 cfs between April 1st and June 15th and in excess of 261 1/2 cfs between June 15th and October 1st before Gunnison-Fayette Canal Co. could begin to divert water. It appears the flow of the San Pitch River would have to exceed 548 cfs between April 1st and June 15th and 486 cfs between June 15th and October 15th before Gunnison-Fayette would be allowed to take any water from that source.

Over the past few years, the low snow pack and precipitation conditions have reduced stream flows in the Sanpete County area. The Gunnison-Fayette Canal Co. has not been allowed to divert water from either the San Pitch River or Twelve Mile Creek because the entire flows have been required to supply rights with earlier priority dates.

The State Engineer is committed to a fair distribution of water on the Lower San Pitch River Distribution System and we are working to overcome the problems of the past few years. We would be happy to meet with you and the leadership of the Gunnison-Fayette Canal Co. to further discuss these issues. If you feel such a meeting would be helpful to a better understanding of distribution on the river please contact me at 538-7380.

Sincerely,



Lee H. Sim, P. E.
Directing Engineer
Adjudication/Distribution

LHS:cj

cc: Stan Adams, P. E.
Richfield Area Office Engineer
Robert L. Morgan, P. E.
State Engineer
Michael Quealy
Attorney General's Office